

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
5:13cv158**

**JEFFREY OXENDINE,**

**Plaintiff,**

**v.**

**CAROLYN W. COLVIN,  
Commissioner of Social Security,**

**Defendant.**

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**MEMORANDUM AND  
RECOMMENDATION**

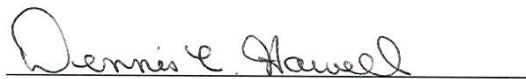
Plaintiff brings this action pursuant to 42 U.S.C. § 405(g) to obtain judicial review of the final decision by the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s claim for supplemental security income. After Plaintiff filed his Motion for Summary Judgment [# 11], the Commissioner filed a Consent Motion to Remand [# 17]. The Commissioner moves to remand this case pursuant to sentence four of 42 U.S.C. § 405(g).

Sentence four of Section 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” The Commissioner moves for reversal of her unfavorable decision and for remand of

this case for further administrative proceedings. Counsel for Plaintiff consents to the motion.

The Court finds that remand is appropriate in this case. See Melkonyan v. Sullivan, 501 U.S. 89 (1991). Upon remand, the Appeals Council shall instruct the ALJ to: (1) reevaluate Plaintiff's bilateral carpal tunnel syndrome and whether this condition causes any functional limitations; (2) give further consideration to the Plaintiff's residual functional capacity, considering all the opinions and evidence in the record; (3) reevaluate whether the Plaintiff can return to his past work as a lumberyard helper; and (4) obtain the testimony of a vocational expert, if warranted. Accordingly, the Court **RECOMMENDS** that the District Court **GRANT** the Motion to Remand [# 17], **REVERSE** the decision of the Commissioner, and **REMAND** this case for further administrative proceedings, consistent with this Order.

Signed: November 3, 2014



Dennis L. Howell  
United States Magistrate Judge



### **Time for Objections**

The parties are hereby advised that, pursuant to 28, United States Code, Section 636(b)(1)(c), and Rule 72, Federal Rules of Civil Procedure, written objections to the findings of fact, conclusions of law, and recommendation contained herein must be filed within **fourteen (14)** days of service of same.

**Responses to the objections must be filed within fourteen (14) days of service of the objections.** Failure to file objections to this Memorandum and Recommendation with the district court will preclude the parties from raising such objections on appeal. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984).